

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Andrew J. Gibbons,

Case No. 21-CV-2416 (KMM/ECW)

Plaintiff,

**ORDER**

v.

Ethan C. Bjorkland, et al.,

Defendant.

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The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright, dated July 1, 2022. [Doc. 28]. Magistrate Judge Wright recommends that this case be dismissed without prejudice for failure to prosecute pursuant to Federal Rules of Civil Procedure 4(m) and 41(b). The time for filing objections expired, and Plaintiff Andrew J. Gibbons subsequently sent a request for a status update and a letter to the Clerk of Court regarding his case. [Doc. 32 & 33]. On September 19, 2022, the undersigned issued an Order directing Mr. Gibbons to file any objections on or before October 11, 2022. [Doc. 34]. On September 28, 2022, Mr. Gibbons responded to that Order stating that he has no objections to the R&R. [Doc. 35].

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court

reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's review of the R&R, Mr. Gibbons's recent clarification that he has no objections to the R&R, and on entire the record in this case, the Court concludes that the Magistrate Judge committed no error, clear or otherwise and adopts the R&R.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation [Doc. 28] is **ADOPTED**, and this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute pursuant to Federal Rules of Civil Procedure 4(m) and 41(b).

**Let Judgment Be Entered Accordingly.**

Date: **September 29, 2022**

s/ Katherine M. Menendez

Katherine M. Menendez  
United States District Judge